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14 **FILED**
15 OCT 10 2018
16 SUSAN Y. SOONG
17 CLERK U.S. DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

22 MICRON TECHNOLOGY INC.,

23) CASE NO. CR 17-6932 MMC

24 Plaintiff,

25) CASE NO. CR 18-465 LHK

v.

26) UNITED STATES' MOTION TO FILE EX PARTE
27) FILING UNDER SEAL AND [PROPOSED] ORDER

28 UNITED MICROELECTRONICS
CORPORATION, FUJIAN JINHUA
INTEGRATED CIRCUIT CO., LTD., and
DOES 1-10,

29) FILED UNDER SEAL

30 Defendants.

31 UNITED STATES OF AMERICA,

32 Plaintiff,

33 v.

34 UNITED MICROELECTRONICS
35 CORPORATION, INC.; FUJIAN JINHUA
36 INTEGRATED CIRCUIT, CO., LTD.; CHEN
37 ZHENGKUN, a.k.a. STEPHEN CHEN; HE
38 JIANTING, a.k.a. J.T. HO; and WANG
39 YUNGMING, a.k.a. KENNY WANG.

40 Defendants.

1 The United States moves the Court for an order authorizing the *ex parte* and under seal
2 filing of this motion and the Notice of Related Case, submitted herewith, giving notice that the
3 civil case of *Micron Technology Inc. v. United Microelectronics Corp.*, Case No. CR 17-6932
4 MMC, filed on December 5, 2017 and assigned initially to Hon. Jeffrey S. White and reassigned
5 to the Hon. Maxine M. Chesney, is related to the under seal criminal case of *United States v.*
6 *United Microelectronics Corp., Inc.*, Case No. CR 18-465.LHK, filed on September 27, 2018
7 and assigned to the Hon. Lucy H. Koh.

8 The government seeks to make this *ex parte*, under seal filing because this motion and the
9 Notice of Related Case describes information related to an under seal criminal indictment not
10 known to the subjects of the indictment and involving one or more of the same defendants as
11 those in the civil case, CR 17-6932 MMC. Disclosure of the existence of the indictment may
12 cause the subjects of the indictment to avoid service of process or destroy evidence, jeopardizing
13 the prosecution of the criminal case. The United States is meeting with Taiwan authorities the
14 week of October 15, 2018, to arrange for service of summons and to discuss other jurisdictional
15 matters. All of the defendants are located overseas. The arraignment on this matter is scheduled
16 for November 16, 2018, and the government anticipates that the matter will be unsealed prior to
17 that time.

18 Accordingly, the government respectfully requests permission to file this motion and the
19 document submitted herewith as an *ex parte* and under seal filing with the Court. The
20 government further requests that any order related to this filing also be under seal.

21 DATED: October 9, 2018

Respectfully submitted,

ALEX G. TSE
United States Attorney

John H. Hemann

JOHN H. HEMANN
SHIAO C. LEE
Assistant United States Attorneys

[PROPOSED] ORDER

On the motion of the United States, and good cause appearing, IT IS HEREBY ORDERED that the United States is authorized to file *ex parte* and under seal this Motion, the Notice of Related Case, and orders generated from this motion and the Notice of Related case, until further order of the Court.

Dated: _____ MAXINE M. CHESNEY
United States Senior District Judge